

**IN THE HIGH COURT OF JUDIATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

CIVIL APPLICATION NO.792 OF 2006
IN
WRIT PETITION NO.3017 OF 1997

M/s.Desh Chemicals Pvt. Ltd. .. Applicants.
Vs.
Kulgaon Badlapur Municipal
Council .. Respondents.

Mr.Ujwal Patil h/f Mr.Anilkumar Patil for the
applicants.

CORAM : B.H.MARLAPALLE & D.B.BHOSALE, JJ.
DATED : MARCH 20, 2006.

P.C:

. Heard. Writ Petition No.3017 of 1997 came to be dismissed in default for non removal of the office objections pursuant to the order dated 21.8.1997. However, on application made i.e. Civil Application No.6818 of 1998 it was restored. The learned advocate for the petitioner again failed to remove office objections i.e. he did not pay bhatta charges within stipulated period and, therefore, petition again came to be dismissed for default.

2. This civil application has been filed for restoration of the petition and as per the office report the application is beyond time by 3 years

and 148 days.

3. We have noted that while granting Rule, the prayer for interim relief was specifically rejected and the petition was directed to be heard with Writ Petition No.554 of 1996. The learned counsel for the petitioner is not able to state whether Writ Petition No.554 of 1996 is still pending or has been decided by this Court.

4. In any case having regard to the reliefs sought in Writ Petition No.3017 of 1997 we do not think it appropriate to condone the delay of 3 years and 148 days and more so when no separate application for condonation of delay explaining the reasons thereof has been filed.

5. The civil application is rejected.

(D.B.BHOSALE, J.)

(B.H.MARLAPALLE, J.)